IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE EIGHTEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 4338 of 1999

Between:

Panchayat Education Committee, Constituted u/S.7 of the A.P.School

Education (Peoples Participation) Act, 1998, Polinenivaripalem Village,

Valletivaripalem Mandal Parishad, represented by its Chairman

Anumolu Ramulu, S/o.Venkateswaralu

..... PETITIONER

AND

1. Chairman, APEP and Collector and District Magistrate,

Prakasam District.

2. Addl. Project Co-ordinator, DPEP, Ongole, Prakasam District

3. District Education Officer, Ongole, Prakasam District.

4. Mandal Education Officer, Ongole Prakasam District.

5. Mandal Parishad Development Officer,

Valetivaripalem Mandal, Prakasam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ or direction declaring the action of the respondents in not conducting the elections to the School Education Committee of the Adi-Andhra Primary School at S.C.Colony, Polinenivaripalem Village, Valetivaripalem Mandal, Prakasam District and further action of the respondents in seeking to entrust the construction of the school building to one T.Malakondaiah, who is claiming himself as elected Chairman of School Education Committee contrary to the proceedings of the 1st respondent in Rc.No.1/CW/A1/98, dt.10.12.1998 is arbitrary, illegal, unjust and without jurisdiction and violative of Article 14 of the Constitution of India and

issue a consequential direction to the respondents to forthwith conduct the election to the school situated at S.C.Colony and further direct the respondents to entrust the construction work to the petitioner.

Counsel for the Petitioner:MR.N.RAVI PRASAD

Counsel for the Respondents: GP FOR SCHOOL EDUCATION

The Court made the following :

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.4338 OF 1999

ORDER:

The Panchayat Education Committee of Valletivaripalem in Prakasam District filed the present Writ Petition seeking a declaration that the action of the respondents in not conducting elections to the School Education Committee of Adi-Andhra Primary School of the said Village is illegal and arbitrary. A consequential direction to respondents to hold elections for the Education Committee of the said school is also sought.

It is the case of the petitioner that though School Education Committee is constituted for Adi-Andhra Primary School at S.C.Colony, Polinenivaripalem Village, the respondents have not conducted elections. It is also the grievance of the petitioner that without constituting School Education Committee, the respondents are entrusting the work of construction of school building to one Malakondaiah, which is contrary to proceedings of first respondent, who directed to entrust the work of construction to School Education Committee.

The Additional Project Coordinator of District Primary Education Programme, Ongole, has filed a counter affidavit stating that elections were conducted to School Education Committee on 16.12.1998 as per the provisions of A.P.School Education (Community Participation) Act, 1998 duly following the procedure and that as per the elections conducted on 16.12.1998 Thanikonda Malakondaiah was elected as Chairman and three others were elected as Members. The said Committee has identified the land for construction of school building and as per the recommendation of the Field Officers, the work was entrusted to the said Committee.

Though the counter affidavit is filed on 17.11.1999, petitioner has not filed reply affidavit denying the counter averments. Therefore, it must beheld that the Writ Petition is filed without proper factual foundation and is misconceived.

The Writ Petition is accordingly dismissed. No costs.

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(V.V.S.RAO, J)

18.8.2004

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To

1. Chairman, APEP and Collector and District Magistrate,

Prakasam District.

2. Addl. Project Coordinator, DPEP, Ongole, Prakasam District

3. District Education Officer, Ongole, Prakasam District.

4. Mandal Education Officer, Ongole, Prakasam District.

5. Mandal Parishad Development Officer,

Valetivaripalem Mandal, Valetivaripalem, Prakasam District.

6.2CCs to GP for School Education, High Court Bldgs., Hyderabad (OUT)

7.2CD copies